



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,509	02/25/2004	Bradley A. Rose	WMS-039	3991
30223	7590	02/22/2007	EXAMINER	
JENKENS & GILCHRIST, P.C.			NGUYEN, KIM T	
225 WEST WASHINGTON			ART UNIT	PAPER NUMBER
SUITE 2600			3714	
CHICAGO, IL 60606				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/786,509	ROSE, BRADLEY A.
	Examiner	Art Unit
	Kim T. Nguyen	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 November 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges receipt of the amendment on 11/20/06. According to the amendment, claim 23 has been added, and claims 1-23 are pending in the application.

#### ***Claim Objections***

1. Claims 1, 12, and 22 are objected to because of the following informalities:  
  
In claim 1, lines 5 and 6 (two occurrences); claim 12, line 6 (two occurrences); and claim 22, lines 6 and 7 (two occurrences), the claimed limitation “first image” should be corrected to “first display image” to be consistent with the language previously recited in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a) In claim 1, lines 5-6; claim 12, line 6; and claim 22, lines 6-7, the claimed limitation “replacing the first image in whole or in part” renders the claim indefinite as it is unclear as to whether the limitation is intended to describe the distinctness of the second display image from the first or if it is intended to describe the step of revealing. It

appears that applicant intended for the limitation to refer to the distinctness, and has been further construed as such.

b) Claims 2-11 and 13-21 are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claims 1-7, 10, 12-17, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughs-Baird et al (US 6,439,995).**

Claim 1: Hughs-Baird discloses a method of conducting a wagering game comprising displaying a plurality of selectable objects (e.g. selections PICK in Fig. 1) in a first display image (as depicted in Fig. 1); selecting one or more of the selectable objects and revealing one or more indicia associated with the selected objects (col. 8, lines 29-32); and revealing, in a second display image (e.g. Fig. 3) distinct from the first display image (Fig. 1) and replacing the first display image in whole or in part (as depicted in Fig. 3), one or more indicia associated with the unselected objects of the selectable objects (e.g. revealed selections 68 with angled hatching in Fig. 3).

Claim 2: Hughs-Baird discloses displaying the plurality of selectable objects occurs in a bonus game (col. 5, lines 31-35).

Claim 3: Hughs-Baird discloses displaying the plurality of selectable objects occurs in a basic game (Fig. 1).

Claim 4: Hughs-Baird discloses that indicia are indicative of an award (col. 2, lines 52-54).

Claim 5: Hughs-Baird discloses revealing the indicia in proximity to the respective selected objects (Fig. 3).

Claim 6: Hughs-Baird discloses that the second display image presents the indicia associated with the selected objects and the indicia associated with the unselected objects (Fig. 3; col. 7, lines 13-24).

Claim 7: Hughs-Baird discloses that the second display image presents a total award based on the indicia associated with the selected objects (Fig. 3; col. 7, lines 65-67; and col. 8, line 1).

Claim 10: Hughs-Baird discloses presenting the first display image and the second display image on a common display (Fig. 3).

Claims 12-17, 20 and 22: refer to discussion in claims 1-3, 5-7, 10 above.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claims 8-9, 18-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird et al (US 6,439,995) in view of Angel (US 6,695,695).**

Claim 8: Hughs-Baird does not explicitly disclose presenting the selected objects with associated indicia as a group. However, Angel discloses presenting the selected objects with associated indicia as a group (Fig. 8). As depicted in Fig. 8, the selected cards 67 are grouped together in front of the selected player 60. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to present the selected objects with associated indicia of Hughs-Baird as a group as taught by Angel in order to facilitate recognizing award value the player receives for choosing the selections.

Claim 9: Hughs-Baird does not explicitly disclose presenting the unselected objects with associated indicia as a group. However, Angel discloses presenting the unselected objects with associated indicia as a group (Fig. 8). As depicted in Fig. 8, the unselected cards are grouped together in the lower portion of the screen in front of the players 61-64. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to present the unselected objects with associated indicia of Hughs-Baird as a group as taught by Angel in order to facilitate recognizing unselected award value the player lost opportunities.

Claim 23: refer to discussion in claims 1 and 8-9 above.

**8. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird at al (US 6,439,995).**

Hughs-Baird does not explicitly disclose presenting the first display image and the second display image on different displays. However, presenting different display images on different displays would have been well known and obvious matter of design choice.

***Response to Arguments***

9. Applicant's arguments on 11/20/06 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for formal communications; please mark  
"EXPEDITED PROCEDURE")

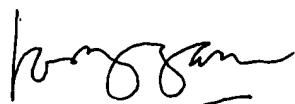
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-

Art Unit: 3714

4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim T. Nguyen  
Primary Examiner  
Art Unit 3714

kn

Date: February 12, 2007